

## Employment Standards Administration, Labor

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AUTHORITY: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 et seq., 902(f), 925, 932, 934, 936, 945; 33 U.S.C. 901 et seq., Secretary's Order 7-87, 52 FR 48466, Employment Standards Order No. 90-02.

SOURCE: 38 FR 8328, Mar. 30, 1973, unless otherwise noted.

### INTRODUCTORY

#### § 722.101 Purpose and scope of this part.

Section 421 of part C of title IV of the Federal Coal Mine Health and Safety Act, as amended, provides that on and after January 1, 1974, any claim for benefits for death or total disability due to pneumoconiosis shall be filed pursuant to the applicable State workmen's compensation law, except that during any period when miners or their eligible surviving dependents are not covered by a State workmen's compensation law which provides adequate coverage for pneumoconiosis, such persons shall be entitled to claim benefits under section 422 and related provisions of part C of title IV of such Act.

Section 421(b)(1) in part C of title IV of the Federal Coal Mine Health and Safety Act, as amended, provides that a State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in the list of State laws (see § 722.152) found by the Secretary of Labor to provide adequate coverage for pneumoconiosis during such period. Section 421(b)(2) of such Act provides that no State workmen's compensation law shall be included on such list during any period unless such law is consistent with each of the criteria mandated by paragraphs A through E of section 421(b)(2) of the Act, as amended, and that there are certain other provisions, regulations, or interpretations which are consistent with the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, 86 Stat. 1251, 33 U.S.C. 901 et seq.), as described in this part. This part 722 is designed to assure that any State law which appears on the list herein described shall provide appropriate claimants with adequate benefits for total disability or death due to pneumoconiosis. The purpose of this part is to describe the procedures by which the Secretary shall determine whether any State workmen's compensation law does, in fact, provide adequate coverage for death or disability due to pneumoconiosis and further describes with particularity the standards and criteria to be applied by the Secretary in making such determination.

#### § 722.102 Definitions and use of terms.

(a) For purposes of this part except where the content clearly indicates otherwise, the following definitions apply:

(1) *Act* means title IV of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795 (30 U.S.C. 901 et seq.), as amended by Pub. L. 92-302, 86 Stat. 156, the Black Lung Benefits Act of 1972.

(2) *Longshoremen's Act* means the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 86 Stat. 1251 (33 U.S.C. 901 et seq.)), as amended by Pub. L. 92-576, 86 Stat. 1251.